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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/712,239   | 11/13/2003  | Rajeev Chhabra       | 9103M               | 8603             |
| 27752 7590 05/16/2008<br>THE PROCTER & GAMBLE COMPANY<br>INTELLECTUAL PROPERTY DIVISION - WEST BLDG.<br>WINTON HILL BUSINESS CENTER - BOX 412<br>6250 CENTER HILL AVENUE<br>CINCINNATI, OH 45224 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| MATZEK, MATTHEW D  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 1794   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/712,239

**Applicant(s)**

CHHABRA ET AL.

**Examiner**

MATTHEW D. MATZEK

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. The amendment dated 1/16/2008 has been fully considered and entered into the Record. Claims 1 and 10 have been amended, but the amended claims contain no new matter. Claims 1-11 remain active.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DOBRIN et al. (US 6,383,431 B1) in view of SMITH (US 3,616,157).

- a. DOBRIN et al. disclose a method for modifying the physical characteristics of a nonwoven fibrous web, which involves passing the web between at least one pair of inter-engaged rolls to incrementally stretch the web, and then withdrawing the incrementally stretched web from between the rolls under tension. (Abstract) The reference relates to disposable absorbent articles. The reference teaches a nonwoven material with a deformation pattern in the form of ridges and grooves defining an array of spaced, diamond-shaped elements 100 with intervening *un-deformed* areas 102 which provide the claimed surface plane of the substrate. (Col. 12, lines 2-24; Figures 9-11). Figures 10 and 11 show the patterns of the forming rolls that are transferred into the nonwoven web. It is the Examiner's interpretation that that first and second regions of the present invention are provided by the Dobrin reference. (Refer to Figures). The reference shows in its examples nonwoven materials with basis weight ranging from 27-33 gsm and it teaches structures that comprise carded webs, spun bonded webs, SMS,

among others (Refer to Table I and Cols. 14-18). DOBRIN '431 teaches that the preferred fibrous nonwoven web material can have an initial thickness of from about 5 mils to about 40 mils [0.1270-1.0160 mm]. (Refer to Col. 7, lines 29-30) Further, the reference teaches that the modified web thickness is from about 85% to about 400% of the initial web thickness (caliper). (Refer to Col. 3, lines 47-48).

b. DOBRIN is silent as to the locking of the protruding elements in the second region by the reinforcing means of the present invention, but does teach that the fibers of the nonwoven fibrous web may be bonded to each other through thermal or adhesive bonding (col. 6, lines 60-67).

c. SMITH is directed to an embossed nonwoven fabric having a textured character and fabric-like qualities of softness and had and suitable for wiping surfaces having aqueous liquids. (Abstract) Figure 4, shows a configuration in which the embossed nonwoven fabric 26 is used for wiping or cleaning purposes and areas 22 (similar to the second portions of the present invention) are reinforced by thermal bonding. (Refer to Col. 3, lines 31-45). SMITH also teaches the application of adhesive preferably only at the sites of embossment to enhance the shape-stability of the embossed nonwoven fabric (col. 8, lines 3-11).

d. Since both references are directed to nonwoven materials useful in the production of disposable absorbent materials the purpose disclosed by SMITH would have been recognized in the pertinent art of DOBRIN.

e. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the second portions of DOBRIN and provide them with

adhesive bonding with the motivation of enhancing the shape-stability of the embossed nonwoven fabric (col. 8, lines 3-11, SMITH).

e. Although SMITH and DOBRIN do not explicitly teach the claimed features of retaining its thickness when wet or having a thickness that is at least about 30% greater than the thickness of a wet textured wet wipe which does not include protruding elements, it is reasonable to presume that the claimed wet thickness retention and having a thickness that is at least about 30% greater than the thickness of a wet textured wet wipe which does not include protruding elements are inherent to the combination of SMITH and DOBRIN. Support for said presumption is found in the use of like materials (i.e. nonwoven of claimed structure). The burden is upon Applicant to prove otherwise. *In re Fitzgerald* 205 USPQ 594. In addition, the presently claimed properties of claimed wet thickness retention and having a thickness that is at least about 30% greater than the thickness of a wet textured wet wipe which does not include protruding elements would obviously have been present once the combined product of SMITH and DOBRIN is provided.

***Response to Arguments***

3. Applicant's arguments filed 1/16/2007 have been fully considered but they are not persuasive.
4. Applicant argues that Smith does not teach to adhesively bond the embossed areas to provide the article with increased shape stability. Applicant is directed to col. 8, lines 5-11, which teaches that it is preferred to add binder to just the embossed areas.

5. Applicant argues that although Dobrin does not explicitly disclose that a second film layer forming a laminate with the textured nonwoven serves as a reinforcement to the protruded elements formed, one of ordinary skill in the art would know that attaching the nonwoven to a film restrains the nonwoven in the x-y plane which has the effect of maintaining the texture formed in the nonwoven. The disclosure of Dobrin does not require the addition of the film layer to the nonwoven fibrous web.
6. Applicant argues that neither Dobrin nor Smith teach the new limitations set forth in amended claims 1 and 10. The new limitations have been addressed *supra*.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW D. MATZEK whose telephone number is (571)272-2423. The examiner can normally be reached on Monday-Friday 9 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW D MATZEK/  
Examiner, Art Unit 1794

/Norca L. Torres-Velazquez/  
Primary Examiner, Art Unit 1794